



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

July 9, 2020

BY ECF

The Honorable Denise L. Cote
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

**Re: *United States v. Joseph Guagliardo,*
20 Cr. 23 (DLC)**

Dear Judge Cote:

The Government respectfully writes in the above-captioned matter pursuant to the Court's order, dated June 10, 2020 (Dkt. 31), requesting the parties to "advise the Court of whether there are grounds to find that there would be serious harm to the interests of justice if the sentencing does not proceed in July 2020," as presently scheduled.

The Government has no objection to sentencing proceeding by video on the scheduled date, as the defendant has requested, and believes that appropriate grounds exist to proceed accordingly, principally the interest of the victim (a non-profit credit union) in bringing this matter to closure, which victim has written the Court and intends to speak at sentencing; the public interest in a resolution of this case; and that sentencing would permit the entry of an order of restitution and collection on the restitution judgment to the extent necessary.

Relatedly, to facilitate restitution, the Government encloses a proposed order of restitution in the amount of \$468,189, which amount the defendant consented to in his written plea agreement, a copy of which is also enclosed, and contains terms consistent with those in the Probation Office's Presentence Investigation Report. Despite expressly agreeing to restitution in this amount in his plea agreement, the defendant, through counsel, has informed the Government that he declines to sign such an order, and will be prepared to address restitution at sentencing. The Government does not understand the defendant to dispute that he previously agreed to pay restitution or that the law requires that he be ordered to do so. In any event, the defendant's signature is not necessary for the entry of the order. *See* 18 U.S.C. § 3663A(a)(1).

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Respectfully submitted,

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Enclosures

cc: (by ECF)

John Arlia, Esq.